

U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

December 15, 2014

BY FACSIMILE

The Honorable Michael H. Dolinger
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

12/15/14

Re: *Barone v. United States, et al.*, No. 12-cv-4103 (LAK) (MHD)

Dear Judge Dolinger:

This office represents Defendants the United States of America, Agent Michael Gaeta, Agent Gregorio Miceli, and Agent Michael Trombetta in the above-referenced action. We write respectfully and with the consent of Plaintiff's counsel to request a final short extension of time to file Defendants' motion to dismiss the Amended Complaint, from December 16, 2014, to December 19, 2014. *See* Dkt. No. 55. The reason for the request is the continuing unavailability of individuals within the Government needed to finally review and approve Defendants' motion to dismiss, due to foreign travel and medical reasons. Two previous requests, on consent, for an extension of this deadline were made, and were granted by the Court. *See* Dkt. Nos. 54, 55. I have conferred with Plaintiff's counsel, who consents to this request.

Because of this application, the parties also jointly request, respectfully, short extensions of the previously entered deadlines for Plaintiff's opposition to the motion to dismiss, and also for the Government's reply in further support of the motion, as follows:

- Plaintiff's opposition to the motion to dismiss shall be filed no later than: January 30, 2015
- Defendants' reply in further support of the motion to dismiss shall be filed no later than: February 20, 2015

No previous requests for extensions of these deadlines have been made. Thank you for your consideration of this matter.

*ENDORSED ORDER
Application Granted.*

*M/CSW
12/15/14*

FAX Cover Sheet

Date: December 15, 2014

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Re: Barone v. United States of America et al
12 cv 04103 (LAK) (MHD)

Text of enclosed endorsed order: "Application granted."

From: Magistrate Judge Michael H. Dolinger
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Southern District of New York
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This document contains 2 pages, including this cover sheet.